

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-CR-00167

WILLIAM ANTHONY SPARKS

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the defendant's Motion to Continue Plea Hearing, Trial Date, and All Case Related Action. ECF No. 29. In support of his motion, counsel for the defendant notes that there is a potential problem with the plea agreement previously entered into by the parties, and the parties currently have a fundamental disagreement as to what the appropriate remedy for this potential problem should be. Id. For good cause shown, the defendant's motion is **GRANTED IN PART**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS IN PART** the defendant's motion to continue. In granting defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h)(7)(B)(i).

However, the court does not grant the motion insofar as it requests a continuance for the scheduled Guilty Plea Hearing. Instead, the court orders that the Guilty Plea Hearing, scheduled for January 27, 2020, is **CANCELED**. Should the parties resolve their problems with the plea agreement, the government should file a new motion to schedule a guilty plea hearing.

Accordingly, the court hereby **ORDERS** as follows:

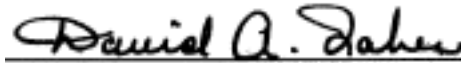
- I. The Guilty Plea Hearing scheduled for January 27, 2020, is **CANCELED**;
- II. A Pretrial Motions Hearing is scheduled for **February 11, 2020, at 11:30 a.m. in Charleston**;
- III. Jury Instructions and Proposed Voir Dire are due to the court by **March 4, 2020**;
- IV. Trial of this action is continued until **9:30 a.m. on Wednesday, March 11, 2020, in Charleston**;
- V. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States

Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 23rd day of January, 2020.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge